

Section Two

How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) of Section 254 (a), including a description of

- A. the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and*
- B. the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8) of Section 254 (a).*

Distribution and Eligibility for Requirements Monies:

Voting Systems

Any county that does not have a fully HAVA-compliant voting system, including an accessible voting system for individuals with disabilities in each polling place, will be eligible to receive a portion of Title I and Title III monies. Any county that purchased HAVA-compliant voting systems after the November 2000 election will also be eligible to apply to the State for a portion of the federal funds for reimbursement purposes. For example, as noted in Section One of the Plan, Mercer County recently entered into a contract to replace its lever voting machines with electronic machinery for use in the 2004 elections. As further noted in Section One of the Plan, the State paid for the replacement of the punch card voting machines which were used in the polling places in Salem and Sussex Counties up until the November 2001 election.

Six remaining counties will need to move forward on a plan to replace their lever voting machines, Atlantic County will need to obtain more up-to-date voting machines and decisions need to be made on the voting systems for Passaic and Warren Counties. As set forth in Section One of the Plan, the current law bestows upon the counties the exclusive authority to purchase voting machines for use in their respective jurisdictions. The sole legal limitation is that the voting machine must be a model that has been certified for use by the Attorney General. Accordingly, the certified list of voting equipment issued by the Attorney General must be revised to reflect that all future



purchases must be restricted to HAVA-compliant equipment. In addition, it may be appropriate to consider State legislation to condition the disbursement of any federal monies to the counties upon the purchase of HAVA-compliant equipment. Receipt of funds could further be conditioned upon the counties having a program for voter education, subject to the approval of the Attorney General, on the use of the new voting system.

There has been discussion of having the State, rather than the individual counties, contracting for the purchase of the voting equipment that would be used and maintained by the counties. It has been suggested that such approach could have cost-savings benefit and would further uniformity of the State's electoral process by resulting in the purchase of the same voting machines in the affected counties. Because such contract would be for goods (i.e., voting equipment) which are not used by State government, but rather are used by a local governmental unit (the county), legislation would be required to alter the current purchasing authority set forth in Title 19.

Another alternative would be for the affected counties themselves to act in concert as a single purchasing unit. This would likely not require legislative approval, as the counties would be retaining their current purchasing power. As with a State contract, this approach could further uniformity and enhance the ability to get the best contract in terms of price and other negotiable issues, such as servicing and maintenance of the machines, but would require cooperation and ultimate consensus among the counties.

In order to complete the acquisition of HAVA-compliant voting equipment for the entire State and meet the other requirements of Title III, it is estimated that it will require a combination of federal, state and county monies. The federal and State monies will be deposited in the "Election Assistance Fund" (hereinafter referred to as the "Fund") that has been established by the State Treasurer. The Attorney General will determine, in an appropriate and informed manner, the portion of the Fund that each county will receive. It is anticipated that there will be insufficient monies in the Fund to fully cover the cost of all of the required voting equipment for the polling places. As the counties have the existing statutory fiscal obligation for the purchase of voting machines, it is expected each county will provide for the remaining funds, after its allocation from the Fund, to pay for its voting equipment.

To provide for fully compliant voting systems throughout the State, there must be a comprehensive plan, with appropriate allocation of funds, to accomplish the following tasks: (1) the replacement of the oldest lever voting machines in the State which are now in use in the Counties of Camden, Hudson and Monmouth. The votes from these older machines must be manually transcribed by the district board workers at the close of the polls; (2) the replacement of the other type of lever machine, which is used in the Counties of Cape May, Cumberland and Essex. The votes on this machine are on a print-pak. There is no need for the district board workers to transcribe the votes; (3) the replacement of Atlantic County's voting machines; (4) the implementation of an effective compliance plan for Passaic and Warren Counties' voting systems; (5) the provision of all the required equipment for the affected counties to retrofit existing voting machines so that there will be at least one fully accessible voting system for individuals with disabilities in each

polling place; (6) the replacement of the punch card voting systems for absentee ballots in the two counties; and (7) a reimbursement scheme for the HAVA-compliant voting machines purchased since the 2000 November election.

Statewide Voter Registration System

Federal funds will be used for the State to develop and maintain a HAVA-compliant statewide voter registration system. Development of such a system will require the State to survey the individual counties to evaluate the current county systems and the extent of the local needs to bring the State system into HAVA compliance. The State will also need to survey the needs of the other governmental offices identified above.

Because HAVA requires that the State develop and maintain the statewide voter registration system, it is not expected, at this time, that any HAVA-dedicated monies will be directly distributed to the county or local election offices for this initial purpose. The final plan for the system will determine whether it will be necessary to disburse any such monies to other State agencies, such as the MVC, Department of Health and Senior Services or criminal history information offices, for the start-up of the program.

It is further recognized that there will be ongoing maintenance and servicing requirements at the State and local levels. This would be a negotiable issue for a State contract. If the State opts to develop the system in-house, it should then consider whether any requirements monies will be distributed to the counties to defray their costs for maintenance and servicing or whether that responsibility for bearing the costs for those functions will remain with the counties, as under current law.

Voter Education and Election Officials' Training

It is anticipated that the State will use HAVA funding for a statewide marketing campaign for voter education and to develop uniform training programs. Depending upon the amount of funding that may be available after the effectuation of these State initiatives and following determination of the final costs for voting machine replacements and the statewide voter registration system, and further dependent upon full three-year federal funding, some of the monies may be distributed to the counties for voter education and training.

Monitoring of the Disbursements

The State will develop an effective system for monitoring of the counties, primarily to ascertain that the voting systems are HAVA-compliant and that the statewide voter registration system is being properly maintained and utilized. There should be a requirement for the counties on a biannual basis (after the June primary and November general elections) to report on the performance of the voting systems, with the emphasis on identifying any malfunctions or any other problems with the use of the voting machines at the polling place on election day. As for the statewide voter registration system, its maintenance and functionality will necessitate on-going interaction between the Division of Elections and those agencies that will be inputting information (such as MVC and the County Commissioners of Registration) and the

agencies that will be providing identification information (MVC, Department of Health and Senior Services, criminal history information agencies and the Social Security Administration), as well as those other governmental offices that will have access to the system. The State will develop a reporting system to ensure that all voter registrations are being properly recorded and maintained and that confirms that continued access is provided to the required agencies to verify identification information.



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